

**From:** Stan Body  
**To:** Margaret Egler  
**Date:** 5/21/03 3:46PM  
**Subject:** FTC-TSR RULING

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**ORIGINAL**

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By e-mail & mail

May 20th, 2003

Federal Communications Commission

445 12th Street, SW

Washington, DC 20554

Attention: Margaret Egler

Deputy Bureau Chief

Dear Ms. Egler:

I attended DMA's Washington Legislative conference last week and thank you and many others who are trying to do the "right thing".

Beautyrock has been working on a system to "eliminate abandons" for over one year.

And we have discovered that system!

Actually we discovered it several years ago with our predictive dialler supplier, Norlite, a Canadian company. The system was soon withdrawn by our dialler company and in its place a negotiated substitute, the 5% abandon rule was implemented and we conformed at the cost of irritating, confusing, scaring and just being a general nuisance to millions of consumers by abandoning up to 5%.

Abandoning any consumer is rude, distasteful, ignorant, even arrogant, notwithstanding that our telemarketing industry leaders negotiated and approved with governments a system allowing a huge number of consumers to be hung up on.

#### OUR SYSTEM ABANDONS NO ONE !

It works a bit like "inbound" by asking the consumer to Hold for a live sales representative for a few seconds.

We tested this system eight years ago and retested it in the last year knowing that the 5% rule would no longer suffice. We rolled out our "hold for a few seconds" recorded message system several months ago.

The two second rule scheduled for October 1, 2003, requiring a live sales representative to answer a live answered phone within two seconds literally kills our system.

Our system does connect a live sales representative to a live answer to our outbound call within an average of 11 seconds.

Abandoning 3% (any%) of live answered calls is still rude, ignorant, offensive and arrogant.

We have proven beyond a doubt that we abandon no one. We never leave dead air. We don't arouse customers suspicions or fears. The 3% permitted abandon rule is not an issue for our system because we don't abandon any one. Our abandon rate is 0%. The system has been developed over the past year by

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Beautyrock and we have made millions of calls without a single complaint. Recently we tested the system on "cold calls" as distinct from pre-established relationship calls and the system works just as good to outside cold call names. Up to 20% of our target audience gets this recorded message when they answer the phone live. "This is XYZ Company calling. I'm on another line and will be with you in a few seconds. Please hold." Within an average of 11 seconds we connect live to the customer. Customers do not find this offensive in any way, indeed they thank us for not leaving them wondering who is calling, for not abandoning, for not being rude, etc. There are absolutely no complaints either for "house" calling or "outside list" - cold calling. We do not abandon any one. We do not leave dead air and we generate no fear in the customer or cause for complaint. Our response rates and production levels are as good as when we use the 5% rule, not worse.

Aside from continuing to harass, inconvenience and scare consumers, albeit only 3% of live answers, the most important, and devastating outcome of the 3% abandon rule including our "On hold recorded message" system, if these "non-abandons" must be counted as abandons, is productivity would decrease by at least 15%. Therefore the cost to our clients and the passing on of these costs to consumers must increase by 15%.

My main concern here is "I'm round" and legislation is threatening to make me "fit into a square hole".

Our system is not an abandon. The legislation wording forces an impossible task - answering a queued live answer within 2 seconds and then, in spite of talking live with the customer within an average 11 seconds, forcing us to count this as an abandoned call, seemingly just to make the legislation valid. The 2 second rule is not valid for our system of NO ABANDONS.

I respectfully submit, beg and ask that our system be accepted, that if legislation is required that we hold no one in a queue for more than 30 seconds and that these live answered completed calls not be counted as abandoned.

I'm caught dealing here with technicalities where in our system we fully meet the spirit of the legislation that is to not inconvenience consumers by abandoning anyone.

Other companies including predictive dialler companies are testing or using this system and

subjecting it to scrutiny and proof of its effectiveness. Again our experience is, the system gives us maximum "talk time, low wait time", therefore maximum productivity - and the bonus - NO ABANDONS!

I will be attending DMA's Teleservices conference in Miami June 18 - 20 and hope to see you there.

Sincerely

Stan Body

President